

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Drawings***

2. The drawings are objected to because of the following minor informalities:
- a. Reference number 11a should be added to Figure 1 to designate the side sections of the edge (11); see paragraph 0034, line 2.
  - b. Figure 3 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP 608.02(g).
3. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet"

pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

4. The disclosure is objected to because of the following informalities:
- a. Paragraph 0001, line 2, “, according to the preamble of claim 1” should be deleted.
  - b. Paragraph 0008 should be deleted.
  - c. Paragraph 0009, line 1, “in the design according to Claim 1” should be deleted.
  - d. Paragraph 0009, line 3, “optically” should be changed to “aesthetically”.
  - e. Paragraph 0011, line 1, “The design according to Claim 3, according” should be changed to “Another design”.
  - f. Paragraph 0011, line 4, “of Claims 1 and 3” should be deleted.
- Appropriate correction is required.

### ***Claim Objections***

5. Claims 1-8 are objected to because of the following informalities:
- a. Claim 1, line 2, “its: should be changed to “a”.
  - b. Claim 1, line 2, “a so-called roof top, overlapped by a cover (6),” should be deleted.
  - c. Claim 1, line 5, “the additional” should be changed to “an additional”.

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- d. Claim 1, line 6, “at least in parts of its area” should be deleted.
- e. Claim 3, line 2, “its” should be changed to “a”.
- f. Claim 3, line 3, “a cover, a so-called roof top” should be changed to “the cover”.
- g. Claim 3, line 5, “the additional” should be changed to “an additional”.
- h. Claim 3, line 5, “especially according to Claim 1” should be deleted.
- i. Claim 3, line 8, “its extent it forms” should be changed to “an extent the curtain forms”.
- j. Claim 3, line 9, “its connection to body” should be changed to “the connection of the curtain to the body”.
- k. Claim 5, line 2, “the gap” should be changed to “a gap”.
- l. Claim 6, line 2, “trend” should be changed to “shape”.
- m. Claim 6, line 2, “the areas” should be changed to “areas”.
- n. Claim 7, line 2, “parts of its area” should be changed to “portions”.
- o. Claim 8, line 2, “parts of its area” should be changed to “portions”.

Appropriate correction is required.

*Claim Rejections - 35 USC § 103*

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Corder et al. (US 5,810,422 A; 22SEP98) in view of Pecho et al. (US 6,485,085 B1; 26NOV02).

Corder et al. disclose a cabriolet vehicle (automotive vehicle 12) with a roof (convertible top 10) with a flexible cover (pliable cover 20), which includes in a front area a rigid area (front rigid panel 22) overlapped by the cover, where the front roof area (22) can be stored in the same orientation as in the closed state (see Figure 4) in a body recess, which is bounded rearward by an edge serving as front edge of an additional body outside surface (surface just forward of the trunk lid) extending to the rear wherein the flexible lining (20) is a textile curtain (see Figures 1 & 2) which is fastened over almost the entire width of recess and is held on an area of the roof where, over at least part of an extent the curtain forms a surface that is essentially horizontal, and is positioned elevated relative to the curtains connection to body.

However, Corder et al. do not expressly disclose that the curtain is fastened over almost the entire width of recess beneath the rear edge of a recess.

Pecho et al. disclose a convertible top (arrangement 1) including a curtain (convertible top 2) fastened over almost the entire width of a recess beneath the rear edge of the recess (see Figure 3 for attachment location).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the convertible top of Corder et al., to employ an internal attachment location, as taught by Pecho et al.

The suggestion/motivation for doing so would have been to allow for a more flexible connection of the cover to the vehicle, as is desired in this vehicle invention.

Therefore, it would have been a desirable and thus a prima facie obvious modification of the convertible top of Corder et al. by combining a curtain with an internal attachment location to obtain the invention as specified in claim 3, as taught by the prior references' motivation, and not hindsight from the Applicant's disclosure.

### *Allowable Subject Matter*

8. Claims 1, 2 & 4-8 would be allowable if rewritten or amended to overcome the objections set forth in this Office action.
9. The following is a statement of reasons for the indication of allowable subject matter: the prior art does not show or make obvious Applicants' support step.

### *Conclusion*

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hallenbeck, Podwys, Maebayshi et al., Lange et al., Staley et al., Heselhaus, Nania, and Haberl et al. teach a curtain fastened over almost the entire width of a recess beneath the rear edge of the recess.
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul A. Chenevert whose telephone number is (571)272-6657. The examiner can normally be reached on Mon-Fri (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn D. Dayoan can be reached on 571-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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